



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JENSENIUS, et al.

Serial No.: 09/874,198

Filed: June 4, 2001

For: MASP-2, A COMPLEMENT FIXING ENZYME, AND USES FOR IT

Confirmation No.: 2556

Art Unit: 1632

Examiner: CHEN, Shin Lin

Washington, D.C.

Atty.'s Docket: JENSENIUS=3A

Date: November 7, 2002

1632/#
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THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sir:

Transmitted herewith is an ☐ Amendment ☒ Election with Traverse and Third Preliminary Amendment
in the above-identified application.☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.☐ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee		Rate	Additional Fee
Total	48	Minus	20	28		x 9	\$252.00		x18	\$
Indep.	6	Minus	3	3		x42	\$126.00		x84	\$
First Presentation of Multiple Dependent Claim						140	\$		+280	\$
TOTAL ADDITIONAL CLAIMS FEE							\$378.00		Total	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
☐ Second - \$200.00
☐ Third - \$460.00
☐ Fourth - \$720.00
☐ Fifth - \$980.00

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
☐ Second - \$ 400.00
☐ Third - \$ 920.00
☐ Fourth - \$1440.00
☐ Fifth - \$1960.00

☐ Less fees (\$) already paid for months extension of time on .☐ Please charge my Deposit Account No. 02-4035 in the amount of \$. A duplicate copy of this sheet is attached.☐ A check in the amount of \$ is attached (check no.).☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$378.00 is attached.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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By:

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ELECTION WITH TRAVERSE

#10

Commissioner of Patents
Washington, D.C. 20231

S i r :

In response to the restriction requirement mailed October 7, Applicants elect group I with traverse.

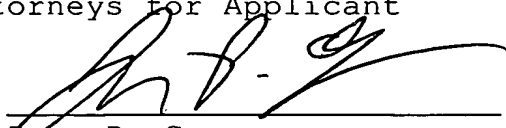
The sole claim of group II (28) is dependent on claim 1 of group I. Since that claim is allowable, claim 28 should be rejoined pursuant to MPEP §821.04.

It is noted for the record that on even date herewith, Applicants filed a third preliminary amendment which amends claims 4-6 and 8-11, and adds claims 40-56. All of the new claims are polypeptide claims and hence should be grouped into elected group I.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:


Peter P. Cooper
Reg. No. 28,005

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THIRD PRELIMINARY AMENDMENT

#11B
Zola
11-12-02

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S i r :

Prior to action on the merits, please enter the following
amendments and remarks:

IN THE CLAIMS

Please rewrite claims 4, 5, 6, and 8-11 to read as follows:

4 (amended). A polypeptide comprising the sequence
identified as SEQ ID NO:1.

B 5 (amended). The polypeptide according to claim 4 with a
molecular mass of about 20k.

6 (amended). The polypeptide with a molecular mass of about
52K and comprising the sequence identified as SEQ ID NO:1.

B2 8 (amended). The polypeptide of claim 1, said polypeptide
being capable of MASP-2 activity in an in vitro assay for
MBLectin complement pathway function.

9 (amended). The polypeptide according to claim 1, said
polypeptide being capable of competitively inhibiting MASP-2
serine protease activity.

10 (amended). The polypeptide according to claim 1
comprising a fragment of the polypeptide of SEQ ID NO:2, said
polypeptide being a competitive inhibitor of complexing of
MBL/MASP-2.

Inter 11 (amended). The polypeptide according to claim 5 or claim
6, said polypeptide having the amino acid sequence of SEQ ID